

ASSEMBLY BILL

No. 2557

Introduced by Assembly Member Feuer

February 24, 2012

An act to amend Section 51 of the Civil Code, relating to civil rights.

LEGISLATIVE COUNSEL'S DIGEST

AB 2557, as introduced, Feuer. Unruh Civil Rights Act: discrimination.

The Unruh Civil Rights Act generally prohibits business establishments from discriminating on the basis of sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, or sexual orientation and provides civil remedies for violations of its provisions.

This bill would make a technical, nonsubstantive change to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 51 of the Civil Code is amended to read:
- 2 51. (a) This section shall be known, and may be cited, as the
- 3 Unruh Civil Rights Act.
- 4 (b) All persons within the jurisdiction of this state are free and
- 5 equal, and no matter what their sex, race, color, religion, ancestry,
- 6 national origin, disability, medical condition, genetic information,
- 7 marital status, or sexual orientation are entitled to the full and equal

1 accommodations, advantages, facilities, privileges, ~~or~~ and services
2 in all business establishments of every kind whatsoever.

3 (c) This section shall not be construed to confer any right or
4 privilege on a person that is conditioned or limited by law or that
5 is applicable alike to persons of every sex, color, race, religion,
6 ancestry, national origin, disability, medical condition, marital
7 status, or sexual orientation or to persons regardless of their genetic
8 information.

9 (d) Nothing in this section shall be construed to require any
10 construction, alteration, repair, structural or otherwise, or
11 modification of any sort whatsoever, beyond that construction,
12 alteration, repair, or modification that is otherwise required by
13 other provisions of law, to any new or existing establishment,
14 facility, building, improvement, or any other structure, nor shall
15 anything in this section be construed to augment, restrict, or alter
16 in any way the authority of the State Architect to require
17 construction, alteration, repair, or modifications that the State
18 Architect otherwise possesses pursuant to other laws.

19 (e) For purposes of this section:

20 (1) "Disability" means any mental or physical disability as
21 defined in Sections 12926 and 12926.1 of the Government Code.

22 (2) (A) "Genetic information" means, with respect to any
23 individual, information about any of the following:

24 (i) The individual's genetic tests.

25 (ii) The genetic tests of family members of the individual.

26 (iii) The manifestation of a disease or disorder in family
27 members of the individual.

28 (B) "Genetic information" includes any request for, or receipt
29 of, genetic services, or participation in clinical research that
30 includes genetic services, by an individual or any family member
31 of the individual.

32 (C) "Genetic information" does not include information about
33 the sex or age of any individual.

34 (3) "Medical condition" has the same meaning as defined in
35 subdivision (h) of Section 12926 of the Government Code.

36 (4) "Religion" includes all aspects of religious belief,
37 observance, and practice.

38 (5) "Sex" includes, but is not limited to, pregnancy, childbirth,
39 or medical conditions related to pregnancy or childbirth. "Sex"
40 also includes, but is not limited to, a person's gender. "Gender"

1 means sex, and includes a person's gender identity and gender
2 expression. "Gender expression" means a person's gender-related
3 appearance and behavior whether or not stereotypically associated
4 with the person's assigned sex at birth.

5 (6) "Sex, race, color, religion, ancestry, national origin,
6 disability, medical condition, genetic information, marital status,
7 or sexual orientation" includes a perception that the person has
8 any particular characteristic or characteristics within the listed
9 categories or that the person is associated with a person who has,
10 or is perceived to have, any particular characteristic or
11 characteristics within the listed categories.

12 (7) "Sexual orientation" has the same meaning as defined in
13 subdivision (r) of Section 12926 of the Government Code.

14 (f) A violation of the right of any individual under the federal
15 Americans with Disabilities Act of 1990 (P.L. 101-336) shall also
16 constitute a violation of this section.

O